

Application No. 10/629,408  
Amendment dated February 1, 2005  
Reply to Office Action of September 21, 2004

### **REMARKS**

In the Office Action mailed September 21, 2004 in the above captioned matter, the specification was objected to for various noted informalities. The drawings, too, were objected to. Claim 10, 11, and 16-19 were objected to as being informal. Claims 1-7, 10, 11, 16-26 were rejected under 35 U.S.C. § 102(e) given Agin (U.S. Publication No. 2004/0082301) ("Agin"). Claims 8 and 9 were rejected under 35 U.S.C. § 103(e) given Agin in view of Sohn et al ("Performance Studies Of Rate Matching For WCDMA Mobile Receiver") ("Sohn"). Claims 12-14 and 24 were rejected under 35 U.S.C. § 103(a) given Agin in view of Baey et al. ("QoS Tuning And Resource Sharing For UMTSWCDMA Multi-Service Mobile") ("Baey"). The applicant respectfully traverses these rejections and objections and requests reconsideration.

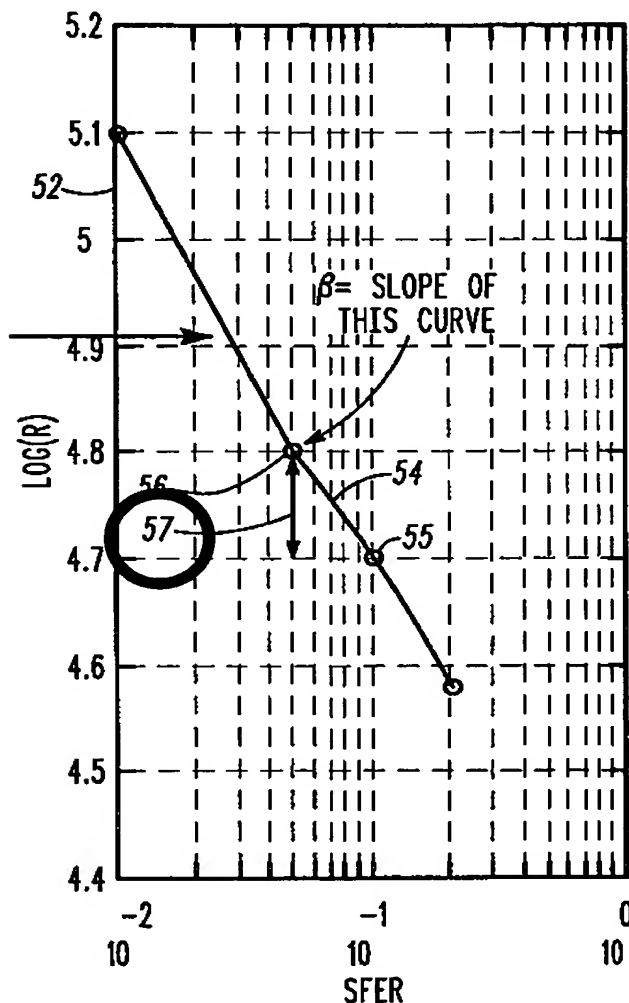
The specification was objected to as including various informalities. The applicant has addressed each articulated point of concern with a specific corresponding amendment. In addition, a few other typographical errors were also noted and are corrected. No new matter has been submitted. The applicant respectfully submits that the specification is now in suitable condition to support allowance.

In FIG. 1, the Examiner argues that reference numeral 10 points to the same thing as reference numeral 11. It is true that reference numeral 11 and 10 both have a lead line that contacts a box labeled "Service 1." Reference numeral 11, however, has a lead line that points upwardly to the "Service 1" box whereas reference numeral 10 has a lead line that is directed horizontally and is therefore readily understood to encompass the "Service 1" block as well as the "Service 2" block and so forth. This understanding is confirmed and reinforced by the specification which specifically provides that, "a service frame 10 is often comprised of a flexible number of transport channels such as a first transport channel 11, a second transport channel 12, and so on." With all due respect, the applicant submits that FIG. 1 is not unduly ambiguous or confusing in this regard and particularly when considered with respect to the specification. The applicant therefore respectfully requests reconsideration as to this point.

The Examiner objected to FIG. 2 under 37 C.F.R. § 1.84(p) (5) as not including a reference number "25" as appeared in the corresponding textual description. The

specification was incorrect in this regard and the applicant has revised the specification, as per this amendment, to delete the noted reference numeral "25." The applicant therefore respectfully submits that there is now no need for FIG. 2 to include this reference numeral "25." The applicant respectfully submits that this objection is traversed.

The Examiner has objected to FIG. 5 under 35 C.F.R. § 1.84(p) (5) as failing to include reference numeral 57 as is mentioned in the description. The applicant respectfully submits, however, that reference numeral 57 is, indeed, already present in the figure. A relevant portion of FIG. 5 is presented below wherein reference numeral 57 is circled to aid in its identification. The applicant respectfully submits that FIG. 5 is in suitable condition to support allowance.



Application No. 10/629,408  
Amendment dated February 1, 2005  
Reply to Office Action of September 21, 2004

Claims 1-7, 10-23, 25, and 26 were rejected under 35 U.S.C. § 102(e) given Agin. Agin appears to teach that indicators for various services are sent from a base station and are used to establish outer-loop power control. Agin then suggest that one determine which services are not currently meeting their target quality of service performance levels followed by a determination of which service requires the highest power in order to attain its target performance level. Agin then changes a corresponding value (denoted as SIRC in his materials) to reflect a new power requirement that corresponds to the previously identified highest required power.

Agin is therefore seen to offer no suggestion or teaching that one adjust any rate matching parameters in general nor that any adjustments be made independent of the transmission power. Agin only teaches adjustment of his SIRC value and hence a corresponding power control setting.

The applicant, however, while teaching that an outer-loop power control setting can be dictated by a specific selected service, further teaches that rate matching parameters for the various supported services can then be selected independent of any transmission energy factors such as Agin's SIRC-based power control settings. These differences are readily apparent in the claims. For example, claim 1 specifically provides for, "selecting rate matching parameters for each of the at least two communications services independently of transmission energy factors." It is exactly this action that is utterly absent in Agin. The applicant therefore respectfully submits that Agin fails to anticipate the recitations of these claims.

The Examiner appears to suggest that Agin makes some teaching with respect to rate matching parameters at his paragraphs 0045 and 0046. With all due respect, however, the applicant believes that the Examiner is confusing Agin's SIRC with rate matching parameters. The paragraphs in question discuss power control operations (both inner-loop and outer-loop) which has nothing to do with rate matching assignments that function to divide a physical

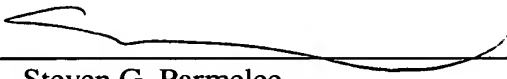
Application No. 10/629,408  
Amendment dated February 1, 2005  
Reply to Office Action of September 21, 2004

frame amongst multiple services.<sup>1</sup> The applicant therefore respectfully submits that claims 1-7, 10, 11, 16-23, 25, and 26 are readily distinguished from the reference of record and may be passed to allowance.

The remaining rejections of claim 8, 9, 12-14, and 24 are based upon an obviousness argument that relies upon Agin. As noted above, however, Agin fails to teach certain fundamental elements of the present claimed invention. The applicants therefore respectfully submit that Agin similarly fails as a primary reference for purposes of supporting an obviousness rejection. The applicant therefore respectfully submits that these claims are distinguishable over the references of record and may be passed to allowance as well.

There being no other objections to, or rejections of the claims, applicants respectfully submit that claims 1-25 may be passed to allowance.

Respectfully submitted,

By:   
Steven G. Parmelee  
Registration No. 28,790

Date: 2 - 8, 2005

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007  
405359

---

<sup>1</sup> For example, in one rate matching implementation one might divide a physical frame (i.e., a number of transmitted bits within a frame) by allocating 60% of the available payload bits to video service and 40% of the bits to voice service while maintaining a fixed target power SIRC.